

**ZONING BOARD OF APPEALS  
MINUTES OF MEETING  
SEPTEMBER 11, 2014**

Town of Bedford  
Bedford Town Hall  
Lower Level Conference Room

**PRESENT:** Todd Crowley, Acting Chair; Carol Amick, Clerk; Jeffrey Dearing; Michelle Puntillo; Kay Hamilton; Arthur Smith; Robert Kalantari

**ABSENT:** Angelo Colasante, Chair

Mr. Crowley, Acting Chair, introduced himself and read the emergency evacuation notice. The Zoning Board of Appeals (ZBA) members and assistant introduced themselves.

**PRESENTATION:** Ms. Amick read the notice of the hearing.

**PETITION #003-15 – CONTINUATION** – Pamela Brown, Esq., for Tremview Investments, LLC, at 201 Burlington Road, seeks a Special Permit per Section 39.5 Section 1(C) of the Sign By-Law to internally illuminate freestanding sign.

Ms. Brown greeted the Board and stated that she was there on behalf of Tremview Investments, LLC, the company she owns the property at 201 Burlington Road. She said that this was a Special Permit application for sign illumination, adding that the sign itself was completely conforming to the provisions of Industrial Zone signs under Sign Bylaw; recent Sign Bylaw revisions allowed freestanding signs in this zone to be 100 square feet in area, and this sign was 63 square feet. She noted that the application provided three different renderings of the sign; this was because Tremview did not know how many tenants it would have and therefore wanted to have leniency in how many tenant spaces would be on the sign. She stated that, regardless of which iteration was chosen, the sign would remain 63 square feet in size and the illumination would comply as well.

The Board went through the requirements listed in the Sign Bylaw for a freestanding sign. Mr. Crowley said that the only requirement that concerned him was Section 5(B)(6), which read: “A freestanding sign may be permitted for the purposes of a business directory provided that no more than six (6) square feet be permitted for each business.” There was conversation about whether this sign should be considered a business directory. Ms. Amick commented that it would ultimately be up to the Code Enforcement Director to determine whether the sign itself was compliant with the Bylaw.

Mr. Dearing asked whether the applicant would have any problem with the sign lighting being on a timer to ensure that the illumination would be off between the hours of 11:00 PM and 6:00 AM, per the Sign Bylaw’s requirements. Ms. Brown said that the owners were aware of that requirement and had no problem with such a condition.

There was discussion about the definition of “foot lamberts” and “lumens.” Ms. Brown said that all of the electricians and sign manufacturers with whom she had consulted over the past few months have stated that “foot lamberts” was an antiquated form of illumination measurement, so it was difficult to get calculations. She said her engineer did, however, create a sheet that showed the illumination calculations, although he measured the lighting in lumens rather than in foot lamberts; she added that the illumination still fell far below what the Bylaw allowed.

Mr. Crowley opened the hearing to the public. With no one from the public in attendance, Mr. Crowley called for a motion to close the public hearing.

**MOTION:**

Mr. Dearing moved to close the public hearing.

Ms. Puntillo seconded the motion.

Voting in favor: Crowley, Amick, Dearing, Puntillo, and Hamilton

Voting against: None

Abstained: None

The motion carried unanimously, 5-0-0.

**DELIBERATIONS:**

Mr. Crowley stated that this was a Special Permit application, and the two conditions of Special Permit were that the project was in keeping with the intent and purpose of the Bylaw and was not injurious or detrimental to the neighborhood. He said he felt this sign met those two requirements. The other members agreed.

Ms. Hamilton said her only concern was the notation on the exhibit that reads “Colors to be determined.” She asked whether the sign color was an issue. Ms. Amick said that she felt that the Board had little say over color and instead should consider the illumination.

After further discussion about the requirements and conditions of the Special Permit, Mr. Crowley called for a motion.

**MOTION:**

Ms. Amick moved to grant Pamela Brown, Esq., for Tremview Investments, LLC, at 201 Burlington Road, a Special Permit per Section 39.5 Section 1(C) of the Sign By-Law to internally illuminate freestanding sign, substantially as shown on Exhibit A (dimensional and lumens spec sheet), Exhibit B (spec showing tenant options), Exhibit C (dimensional specs), Exhibit D (sign design), and Exhibit E (map showing sign location), and subject to the following conditions:

1. Illumination will be on a timer to ensure that the sign is not lit between the hours of 11:00 PM and 6:00 AM;
2. In the event that the Sign Bylaw requirements for internally illuminated signs become more restrictive in the future, this internally illuminated sign shall be brought into compliance with the most recent edition of the Bylaw within a period of one year from its enactment.

Voting in favor: Crowley, Amick, Dearing, Puntillo, and Hamilton

Voting against: None

Abstained: None

The motion carried unanimously, 5-0-0.

Mr. Crowley explained that the Board had 14 days to write a decision, after which time there was a 20-day appeal period. The applicant was then responsible for getting the decision recorded at the Registry of Deeds. Once the decision was recorded, barring any appeals, the applicants may illuminate the sign.

#### **BUSINESS MEETING:**

##### **Meeting Minutes**

Mr. Crowley called for a motion to approve the minutes of the August 14 meeting, noting that only those members who were present at the meeting could vote in favor.

#### **MOTION:**

Mr. Smith moved to approve the minutes of the August 14 meeting, as written.

Voting in favor: Crowley, Puntillo, Hamilton, and Smith

Voting against: None

Abstained: Amick, Dearing, and Kalantari

The motion carried, 5-0-2.

##### **Adjournment**

#### **MOTION:**

Ms. Amick moved to adjourn the meeting.

Ms. Hamilton seconded the motion.

Voting in favor: Crowley, Amick, Dearing, Puntillo, Hamilton, Smith, and Kalantari

Voting against: None

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Abstained: None

The motion carried unanimously, 7-0-0.

The meeting adjourned at 8:20 PM.

  
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Todd Crowley, Acting Chair      Date      10/2/14

Respectfully Submitted,

Scott Gould  
ZBA Assistant